

California Victim Compensation and Government Claims Board

Open Meeting Minutes

March 17, 2005

The California Victim Compensation and Government Claims Board convened its regular session at the call of Fred Aguiar, Secretary, State and Consumer Services, at the First Floor Hearing Room, 630 "K" Street, Sacramento, California, on Thursday, March 17, 2005 at 10:00 a.m. Also present was Board member Windie Scott, Deputy State Controller, acting for and in the absence of Steve Westly, Controller. Michael Ramos, San Bernardino County District Attorney was absent from the meeting.

Board staff present included Karen McGagin, Executive Officer; Richard Anderson, Chief Deputy Executive Officer; Donna Ferebee, Acting Chief Counsel; Kathy Hicks, Manager, Government Claims Program; and Missy Carrick, Board Liaison, recorded the meeting.

The Board meeting commenced with the pledge of allegiance.

MINUTES

The Board voted to adopt the minutes of the February 17, 2005 Board meeting.

CONTRACT REPORT

Ms. McGagin reported on the "Contracts Report" dated January 2005.

LEGISLATION REPORT

Pamela Schneider, Deputy Executive Officer, Legislation, presented the Legislative Report dated March 4, 2005 and highlighted the following bills: Senate Bill 353, Senate Bill 972, Senate Bill 1015, Assembly Bill 346, Assembly Bill 22 and Assembly Bill 1657.

GOVERNMENT CLAIMS PROGRAM

The Board commenced the Government Claims Program portion of the meeting at 10:15 a.m.

Item 1 Government Claims Consent Agenda

The following claimants requested to speak under the "Consent Agenda":

- Edward Springer, Jr. - Item 22 - Claim G542300
- Ardalan Alizadeh - Item 230 - Claim 550975

The Board voted to adopt the staff recommendations on the claims listed on the Government Claims Program Consent Agenda with the following changes:

Item 9 **Claimant: Regents of the University of California** **G534933**

Staff requested this claim to be continued.

Item 193 **Claimant: Brent Schmall** **G550318**

Staff requested this claim to be continued.

Total Claims	Claims Rejected	Claims Allowed in Whole or Part	Claims Allowed		Late Claims	
			Paid via Gov. Code §965	Paid via Claims Bill	Denied	Granted
523	347	123	20	103	45	8

Item 2 **CLAIMANT: Sysco Food Services of Ventura, Inc. G550769**

Major Irma-Louise Goodwater, Assistant Comptroller, appeared on behalf of the Military Department.

The Board voted to adopt the staff recommendation to allow the claim in the amount of \$196,940.55 and paid pursuant to Government Code Section 965.

Item 3 **CLAIMANT: Residual Partners, LLC G550473**

Shirley Trice, Staff Services Manager I, appeared on behalf of the Department of Social Services. Ms. Trice requested that the claim be paid by the agency and not under legislative pay as recommended by Board staff.

The Board voted to adopt the staff recommendation to allow the claim in the amount of \$123,945.79 with the amendment that the claim would be paid pursuant to Government Code section 965.

Item 4 **CLAIMANT: Time Warner Entertainment Company G549510**

The Board voted to adopt the staff recommendation to allow the claim in the amount of \$142,819.99 and paid pursuant to Government Code section 13928.

Item 5 **CLAIMANT: Morgan Creek Productions, Inc. G551375**

The Board voted to adopt the staff recommendation to allow the claim in the amount of \$139,302.73 and paid pursuant to Government Code section 13928.

Item 6 **CLAIMANT: Everett Miller, Jr. G552105**

The Board voted to adopt the staff recommendation to allow the claim in the amount of \$50,000.00 and paid pursuant to Government Code section 13928.

Item 7 **CLAIMANT: John Brock G543842**

The Board voted to adopt the staff recommendation to allow the claim in the amount of \$50,000.00 and paid pursuant to Government Code section 13928.

Item 8 **Implementation of the California State Employees' Charitable Campaign
Administrative Cost Recovery Plan**

Kathy Hicks, Manager, Government Claims Program, presented the "California State Employee Charitable Campaign Administrative Cost Recovery Plan."

Steve Heath, President and CEO, United Way California Capitol Region, expressed his concern with the methodology for implementing the Cost Recovery Plan and what organizations are impacted.

The Board voted to adopt the staff recommendation to approve administrative expenses up to 0.67% over the maximum administrative fee amount contained in the respective PCFD's 2004 approved application.

Item 9 **Proposed Decision by Hearing Officer**

Donna Ferebee, Acting Chief Counsel, presented the "Proposed Decision by a Hearing Officer in Request for Proposal (RFP) DOJ 2067 by Natoma Technologies, Inc."

Daniel Ballard, Attorney, McDonough Holland & Allen, Attorneys at Law, appeared on behalf of Natoma Technologies, Inc.

The Board voted to adopt the hearing officer's proposed decision to deny the protest.

VICTIM COMPENSATION PROGRAM

The Board commenced the Victim Compensation Program portion of the meeting at 10:35 a.m.

EXECUTIVE OFFICER'S STATEMENT

The Executive Officer reported on the following:

- California Observes the 25th Anniversary of National Crime Victims' Rights Week and Tribute to Crime Victims' Rights to be held April 5
- Board Issues Final Report on its Judges' Pilot Program
- Board Helps Sponsor Summit on Identity Theft Solutions
- Steering Committee Begins Planning for California State Victim Assistance Academy
- Training Begins on the Board's New Policy and Resource Manual
- Board Staff Receives Training on Domestic Violence Issues
- Board Participates in Townhall Meeting to Assist Shasta County Fire Victims
- Public Invited to Access Updated Precedent Decisions on the Board's Website
- Board Staff Attends National Child Traumatic Stress Network's Annual Meeting

Board member Windie Scott requested that staff look into linking our precedent decisions to other state agency Web sites.

REQUESTS FOR RECONSIDERATION

The Board voted to adopt the staff recommendations to allow the requests for reconsideration for agenda item numbers 1 through 14, deny requests for reconsideration for agenda item numbers 15 through 56, deny requests for reconsideration after Board action on a proposed decision for agenda item numbers 57 through 58 and continue number 59.

Item 15	CLAIMANT	392823V
Item 16	CLAIMANT	485372V
Item 17	CLAIMANT	557470V
Item 18	CLAIMANT	627516V
Item 19	CLAIMANT	635279V
Item 20	CLAIMANT	637883V
Item 21	CLAIMANT	652557V
Item 22	CLAIMANT	672698V
Item 23	CLAIMANT	703805V
Item 24	CLAIMANT	714002V
Item 25	CLAIMANT	752891V
Item 26	CLAIMANT	765513V
Item 27	CLAIMANT	775202V
Item 28	CLAIMANT	784940V
Item 29	CLAIMANT	791059V
Item 30	CLAIMANT	791383V
Item 31	CLAIMANT	793699V
Item 32	CLAIMANT	796752V
Item 33	CLAIMANT	800798V
Item 34	CLAIMANT	801328V
Item 35	CLAIMANT	806749V
Item 36	CLAIMANT	812411V
Item 37	CLAIMANT	816550V
Item 38	CLAIMANT	819380V
Item 39	CLAIMANT	822957V
Item 40	CLAIMANT	824215V
Item 41	CLAIMANT	825622V
Item 42	CLAIMANT	826287V
Item 43	CLAIMANT	826279V
Item 44	CLAIMANT	826468V
Item 45	CLAIMANT	829223V
Item 46	CLAIMANT	829888V
Item 47	CLAIMANT	830057V
Item 48	CLAIMANT	830312V
Item 49	CLAIMANT	832508V
Item 50	CLAIMANT	832711V
Item 51	CLAIMANT	832736V
Item 52	CLAIMANT	836860V
Item 53	CLAIMANT	839877V
Item 54	CLAIMANT	842217V
Item 55	CLAIMANT	843504V

Item 56	CLAIMANT	851063V
Item 57	CLAIMANT	443635V
Item 58	CLAIMANT	711163V
Item 59	CLAIMANT	722746V

Mary Stewart, Item 59, Claim 722746V, appeared before the Board and presented information she claimed did not exist at the time of the hearing.

After some discussion, the Board referred this item back to staff and requested the Legal office review the analysis then forward to a hearing officer if appropriate. Board member Windie Scott requested that the analysis address the legal capacity of the Board.

CLAIMS FOR WHICH APPEALS WERE WITHDRAWN OR DEEMED TO BE WITHDRAWN

The following claims for which appeals were withdrawn or deemed to be withdrawn were continued for further review at staff's request:

Item 82a	CLAIMANT	741841V
Item 82b	CLAIMANT	741845V
Item 97	CLAIMANT	803236V
Item 103	CLAIMANT	823040V
Item 106	CLAIMANT	838194V
Item 107	CLAIMANT	840062V
Item 108	CLAIMANT	840171V
Item 109	CLAIMANT	840193V

The Board voted to adopt the staff recommendations on the balance of claims for which appeals were withdrawn or deemed to be withdrawn under California Code of Regulations, Title 2, Section 647.35 and action on claims for which a hearing was denied under California Code of Regulations, Title 2, Section 647.20.1 for agenda item numbers 60 through 81, 83 through 96, 98 through 102, 104 through 105 and 110 through 111.

CLOSED EXECUTIVE SESSION (GC § 11126(c)(3) and 11126(e)(1))

Pursuant to Government Code sections 11126(c)(3), and 11126(e)(1) the Board adjourned into a closed Executive Session with the Board's Executive Officer and Acting Chief Counsel at 10:58 a.m. to deliberate on the proposed decisions that were taken under submission during the meeting and to discuss the following pending litigation:

- Charles Meany v. California Victim Compensation and Government Claims Board
San Francisco County Superior Court CPF 03503699
- MCI Worldcom Communications Inc. v. State of California, Victim Compensation and Government Claims Board and the Department of General Services
Sacramento County Superior Court 04CS00978

The Board reconvened into open session at 11:02 a.m.

PROPOSED DECISIONS

Item 112A	<u>CLAIMANT</u>	<u>501290V</u>
Staff requested this claim to be continued.		
Item 112B	<u>CLAIMANT</u>	<u>549342V</u>
Staff requested this claim to be continued.		
Item 112C	<u>CLAIMANT</u>	<u>549343V</u>
Staff requested this claim to be continued.		
Item 113	<u>CLAIMANT</u>	<u>621316V</u>
The Board voted to adopt the proposed decision.		
Item 114	<u>CLAIMANT</u>	<u>661089V</u>
The Board voted to adopt the proposed decision.		
Item 115	<u>CLAIMANT</u>	<u>722526V</u>
The Board voted to adopt the proposed decision.		
Item 116	<u>CLAIMANT</u>	<u>758005V</u>
The Board voted to adopt the proposed decision.		
Item 117	<u>CLAIMANT</u>	<u>769651V</u>
The Board voted to adopt the proposed decision.		
Item 118	<u>CLAIMANT</u>	<u>776866V</u>
The Board voted to adopt the proposed decision.		
Item 119	<u>CLAIMANT</u>	<u>781422V</u>
The Board voted to adopt the proposed decision.		
Item 120	<u>CLAIMANT</u>	<u>781585V</u>
The Board voted to adopt the proposed decision.		
Item 121	<u>CLAIMANT</u>	<u>783453V</u>
The Board voted to adopt the proposed decision.		
Item 122	<u>CLAIMANT</u>	<u>784859V</u>
Staff requested this claim to be continued.		
Item 123	<u>CLAIMANT</u>	<u>792272V</u>
The Board voted to adopt the proposed decision.		
Item 124A	<u>CLAIMANT</u>	<u>792708V</u>
The Board voted to adopt the proposed decision.		
Item 124B	<u>CLAIMANT</u>	<u>792709V</u>
The Board voted to adopt the proposed decision.		
Item 124C	<u>CLAIMANT</u>	<u>792710V</u>
The Board voted to adopt the proposed decision.		
Item 124D	<u>CLAIMANT</u>	<u>792711V</u>
The Board voted to adopt the proposed decision.		
Item 125	<u>CLAIMANT</u>	<u>792712V</u>
The Board voted to adopt the proposed decision.		
Item 126	<u>CLAIMANT</u>	<u>798420V</u>
The Board voted to adopt the proposed decision.		
Item 127	<u>CLAIMANT</u>	<u>799441V</u>
Staff requested this claim to be continued.		
Item 128	<u>CLAIMANT</u>	<u>803608V</u>
The Board voted to adopt the proposed decision.		
Item 129A	<u>CLAIMANT</u>	<u>804120V</u>
The Board voted to adopt the proposed decision.		

Item 129B	<u>CLAIMANT</u>	<u>804122V</u>
The Board voted to adopt the proposed decision.		
Item 129C	<u>CLAIMANT</u>	<u>804124V</u>
The Board voted to adopt the proposed decision.		
Item 129D	<u>CLAIMANT</u>	<u>804125V</u>
The Board voted to adopt the proposed decision.		
Item 130	<u>CLAIMANT</u>	<u>807197V</u>
The Board voted to adopt the proposed decision.		
Item 131	<u>CLAIMANT</u>	<u>814498V</u>
The Board voted to adopt the proposed decision.		
Item 132	<u>CLAIMANT</u>	<u>817573V</u>
The Board voted to adopt the proposed decision.		

ADJOURNMENT

The meeting was adjourned at 11:04 a.m.

KAREN McGAGIN
Executive Officer

I certify that the California Victim Compensation and Government Claims Board adopted these minutes at its meeting of _____ at _____, California.

Date: _____ By: _____

Missy Carrick
Board Liaison

(Affix seal here)